

Dated: October 4, 2019
New York, New York

SO ORDERED:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


WILLIAM H. PAULEY III
U.S.D.J.

Securities and Exchange Commission,

Plaintiff,

v.

Terminus Energy, Inc., *et al.*,

Defendants.

: **NOTICE OF VOLUNTARY**
: **DISMISSAL PURSUANT TO**
: **F.R.C.P. 41(a)(1)(A)(i)**

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: **Case No. 17-cv-1117 (WHP)**
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NOTICE OF VOLUNTARY DISMISSAL AS TO TERMINUS
ENERGY, INC. PURSUANT TO RULE 41(a)(1)(A)(i)

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff Securities and Exchange Commission hereby gives notice that the above-captioned action is voluntarily dismissed without prejudice against the Defendant Terminus Energy, Inc. (“Terminus”). Terminus has not appeared—much less filed an answer or motion for summary judgment—and this case does not fall under Federal Rules of Civil Procedure 23(e), 23.1(c), 23.2, or 66. *See* Fed.R.Civ.P. 41(a)(1)(A)(i) (Plaintiff may voluntarily dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgement.”) *See also Medina v. New York State Dep’t of Corr. Servs.*, No. 03 Civ.9249(RWS), 2004 WL 2397193, at *3 (S.D.N.Y. Oct. 26, 2004) (if not exempted by Federal Rules of Civil Procedure 23(e), 23.1(c), 23.2, or 66, the right of the Plaintiff to dismiss the action is “absolute,” citing *Barr Bros. & Co. v. Senft*, No. 82 Civ. 5007, 1982 WL 1342, at *3 (S.D.N.Y. Oct. 27, 1982)).

Respectfully submitted,

Dated: July 16, 2019

/s/ Alejandro O. Soto
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Securities and Exchange Commission

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CERTIFICATE OF SERVICE

I certify that on July 16, 2019, I electronically filed the foregoing Notice of Voluntary Dismissal, which will send notification of same to Defendant Terminus Energy, Inc. at the address below, and that I will send a copy of the foregoing to Defendants Danny Pratte, Joseph Pittera, George Doumanis, Emanuel Pantelakis, and Relief Maria Pantelakis, at the addresses below:

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